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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

GTRC69

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,974,869, granted 2 November 1999, and for which a reissue patent is sought on the invention entitled NON-VIBRATING CAPACITANCE PROBE FOR WEAR

MONITORING

the specification of which

- ☒ is attached hereto, and amended by the herewith filed Preliminary Amendment.
- ☐ was filed on _____ as reissue application number _____ / _____ and was amended on _____ (If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☒ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

1. Applicants believe the original patent to be partly inoperative or invalid by reason of a defective Specification. Although a Response to Rule 312 Communication dated 13 August 1999 indicated Applicant's 312 Amendment dated 11 May 1999 was entered, the patent issued without the changes to the Specification in the 312 Amendment being entered.

While Fig. 2 of the patent was divided into Figs. 2A and 2B as requested in the 312 Amendment, the Specification was not changed to clarify when references to "Fig. 2" in the patent meant "Fig. 2a" or "Fig. 2b".

2. Applicants believe the original patent to be partly inoperative or invalid by reason of the patentees claiming less than patentees had the right to claim in the patent. The issued patent discloses a non-contact detector having two surfaces of different work functions separated by a substantially fixed distance, wherein a current induced across the surfaces is related to the contact potential difference between the surface, and wherein a non-vibrating capacitance probe is utilized. As fully discussed in the currently filed Preliminary Amended, the newly presented Claims 11-28 are different as to scope than Claims 1-10. For example, the newly presented claims do not recite "means plus function" language.

[Page 1 of 3]

~~7150 N. Terra Vista Dr.~~
6205 N. Devonshire Dr. Peoria, IL 61615 EZ.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 3)

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number
<u>Ryan A. Schneider</u>	<u>45,083</u>
<u>Todd Deveau</u>	<u>29,526</u>

Correspondence Address: Direct all communications about the application to:

☒ Customer Number**006980**

Type Customer Number here

Pla
Co**006980**

PATENT AND TRADEMARK OFFICE

☐ Firm or
Individual Name

Address

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or ^{fourth} inventor (given name, family name)**Lennox Reid**Inventor's signature Lennox ReidDate Feb. 27, 2001Residence **Houston, Texas**77082

Citizenship

USAMailing Address 2700 Woodland Park Drive, Apartment 204, Houston, Texas 77082
14915 Little Leaf CourtFull name of ^{fifth} joint inventor (given name, family name)**Kenneth Hamall**Inventor's signature Kenneth HamallDate March 30, 2001Residence Westchester, OH 45069
Peachtree City, Georgia 30269
Cincinnati, OH 45208

Citizenship

USAMailing Address 119 Arbor Gate, Peachtree City, Georgia 30269
2909 East Cove Ave 6416 Staffordshire Court

Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

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**REISSUE APPLICATION: CONSENT OF ASSIGNEE;
STATEMENT OF NON-ASSIGNMENT**

Docket Number (Optional)
GTRC69

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s) **Steven Danyluk, Anatoly Zharin, Elmer Zanoria, Lennox Reid and
Kenneth Hamall**

Patent Number **5,974,869**

Date Patent Issued **2 November 1999**

Title of Invention **NON-VIBRATING CAPACITANCE PROBE FOR WEAR MONITORING**

1. ☒ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)
2. ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

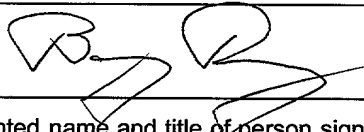
The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are **Georgia Tech Research Corp.** and the assignee(s) consents to the accompanying application for reissue.

Name of assignee/inventor (if not assigned)

Georgia Tech Research Corporation

Signature



Date

2/5/01

Typed or printed name and title of person signing for assignee (if assigned)

Barry Rosenberg
Director, Technology Licensing

FORM 0651-0033

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FORM PTO-1595

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Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Steven Danyluk Anatoly Zharin Elmer Zanoria Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	2. Name and address of receiving party(ies): Name: <u>Georgia Tech Research Corporation</u> Internal Address: _____ _____ Street Address: <u>400 Tenth Street</u> City <u>Atlanta</u> State <u>Georgia</u> Zip <u>30332</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Security Agreement <input type="checkbox"/> Other _____ Execution Date: <u>January 21, 1997</u>	<input type="checkbox"/> Merger <input type="checkbox"/> Change of Name

4. Application number(s) or patent number(s):
If this document is being filed together with a new application, the execution date of the application is: _____
A. Patent Application No.(s) 60/030,814
B. Patent No.(s) _____
Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning documents should be mailed: Name: <u>Laurence P. Colton</u> Internal Address: <u>DEVEAU, COLTON & MARQUIS</u> <u>Two Midtown Plaza, Suite 1400</u> Street Address: <u>1360 Peachtree Street, N.E.</u> City: <u>Atlanta</u> State: <u>Georgia</u> Zip: <u>30309-3209</u>	6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 C.F.R. 3.41): <u>\$ 40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>04-0925</u> (Attach duplicate copy of this page if paying by deposit account)
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To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document
Laurence P. Colton *Laurence P. Colton* 11 FEB 1997
Name of Person Signing Signature Date
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094633-050101

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Attorney's Docket No. 10733-215

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application or ☐ U.S. Patent
By: ☒ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEES to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS:

Steven Danyluk
Anatoly Zharin
Elmer Zanoria

Lennox Reid
Kenneth M. Hamall

hereby sell, assign and transfer to

ASSIGNEES:

Georgia Tech Research Corporation
400 10th Street
Atlanta, Georgia 30332

and the successors, assigns and legal representatives of the ASSIGNEES the entire right, title and interest in and to any and all improvements which are disclosed in the invention entitled:

NON-VIBRATING CAPACITANCE PROBE FOR WEAR MONITORING

and which is found in the U.S. provisional patent application bearing that title and filed in the United States Patent and Trademark Office on or about November 14, 1996, and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by any non-provisional patent application later filed and based on or related to the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

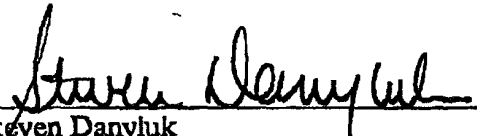
ASSIGNORS further covenant that ASSIGNEES will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEES or their legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said

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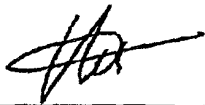
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application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, We have hereunto set hand and seal as of the dates indicated below:


Steven Danyluk

Date: Dec. 13, 1996


Anatoly Zharin

Date: 12 Jan, 96


Elmer Zanoria

Date: Jan. 21, 1997


Lennox Reid

Date: Jan 16, 1997


Kenneth M. Hamall

Date: Dec 13, 1996